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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/548,213 04/12/00 MATSUDA

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MNC2/0501

EXAMINER

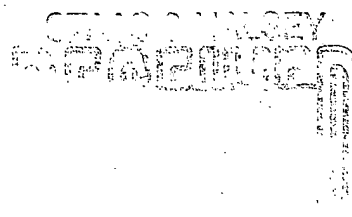
ART UNIT PAPER NUMBER

DATE MAILED:

05/01/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



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TECHNOLOGY CENTER 2800

Office Action Summary

Application No.
09/548,213

Applicant(s)
Matsuda et al.

Examiner
Pia Tibbits

Art Unit
2838



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/19/2001 and 4/4/2001
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-117 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 is/are allowed.
- 6) ☒ Claim(s) 11-117 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 08/578,805
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5
- 18) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other _____

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DETAILED ACTION

This Office action is in answer to the amendment filed March 19, 2001 and the communication filed April 4, 2001.

Reissue Applications

1. **Newly added claims 118-132 are not covered by the reissue oath/declaration filed originally with this application. Therefore newly added claims 118-132 have not been considered.** The reissue oath/declaration filed with this application is defective because it fails to contain the statement required under 37 CFR 1.175 regarding the reissue oath or declaration. See 37 CFR 1.175 and see MPEP 1414.

(a) The reissue oath or declaration in addition to complying with the requirements of § 1.63, must also state that:

(1) The applicant believes the original patent to be wholly or partly inoperative or invalid by reason of a defective specification or drawing, or by reason of the patentee claiming more or less than the patentee had the right to claim in the patent, stating at least one error being relied upon as the basis for reissue; and

(2) All errors being corrected in the reissue application up to the time of filing of the oath or declaration under this paragraph arose without any deceptive intention on the part of the applicant.

(b)

(1) **For any error corrected, which is not covered by the oath or declaration submitted under paragraph (a) of this section, applicant must submit a supplemental oath or declaration stating that every such error arose without any deceptive intention on the part of the applicant. Any supplemental oath or declaration required by this paragraph must be submitted before allowance and may be submitted:**

(I) **With any amendment prior to allowance; or**

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(ii) In order to overcome a rejection under 35 U.S.C. 251 made by the examiner where it is indicated that the submission of a supplemental oath or declaration as required by this paragraph will overcome the rejection.

(2) For any error sought to be corrected after allowance, a supplemental oath or declaration must accompany the requested correction stating that the error(s) to be corrected arose without any deceptive intention on the part of the applicant.

© Having once stated an error upon which the reissue is based, as set forth in paragraph (a)(1), unless all errors previously stated in the oath or declaration are no longer being corrected, a subsequent oath or declaration under paragraph (b) of this section need not specifically identify any other error or errors being corrected.

(d) The oath or declaration required by paragraph (a) of this section may be submitted under the provisions of § 1.53(f).

The reissue oath/declaration is an essential part of a reissue application and must be filed with the application, or within the time period set under 37 CFR 1.53(f) along with the required surcharge as set forth in 37 CFR 1.16(e) in order to avoid abandonment.

Claim Objections

2. Claim 11 is objected to because of the following informalities:
- a) "AC adapter" should read ---AC/DC adapter--- in all occurrences.
 - b) "receiving" should read ---transmitting---.
- Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 11-117 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11: the statement "the power charged to the battery becomes a value assigned in advance" is confusing since "the power" is not a measurable battery parameter or characteristic.

Claim 12: the statement "the charging current becomes equal to or lower than a value assigned to the battery" is confusing since "a value" does not specifically address which battery parameter is considered.

Claim 13: the statement "the charging voltage becomes equal to or lower than a value assigned to the battery" is confusing since "a value" does not specifically address which battery parameter is considered.

Claim 15: the statement "the charging power the charger supplies to the battery" is confusing since it is not clear which power component is addressed, i.e., current or voltage.

The above are but a few specific examples of indefinite and functional or operational language used throughout the claims, and are only intended to illustrate the extensive revision required to overcome the rejection under 35 USC 112, second paragraph. The above mentioned corrections therefore, are in no way a complete and thorough listing of every indefinite and functional or operational language used throughout the claims. Applicant is required to revise all of the claims completely, and not just correct the indefinite and functional or operational languages mentioned.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 11-117, as best as they can be understood at this time, are rejected under 35

U.S.C. 103(a) as being unpatentable over prior art cited by applicant, WO 93/19508 [hereinafter WO]

WO discloses a power charger apparatus 300 provided for supplying electrical power to an electrical device 200 for operation, or to a battery 402 for charging, or both. The charger apparatus 300 includes a primary power supply 302 for supplying power from an external power source to the power charger 300, a power converter 306 coupled to the primary power supply 302 for converting the power received by the primary power supply 302 from the external power source into a form usable by the power charger 300, and a power controller 308 coupled to the power converter 306 for controlling the power applied to the device 200 or the battery 402, or both, **so that regardless of the rate of charge of the battery 402, a constant current is maintained for charging the battery 402**, while the voltage across the device 200 and battery 402 is allowed to vary. A charge rate sensor 404 connected to the battery 402 and coupled to the power controller 308 measures the voltage across the battery.

WO discloses that charger 300 is capable either of charging battery pack 400 or operating computer 200, or both simultaneously. If battery pack 400 is not present in the unit, charger 300 powers computer 200. If battery pack 400 is connected to charger 300, which is capable of sensing the presence of battery pack 400, charger 300 begins charging the battery pack while powering computer 200. Upon reaching a full charge, battery pack 400 is switched out of full charge operation and is placed in a trickle charge operation from charger 300. Since **both battery pack 400 and computer 200 connect in parallel**, with no separate means of current limiting between charger 300 and battery pack 400, charger 300 must monitor current through battery pack 400 and provide adequate voltage that will support the

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required **charging current** for battery pack 400. Accordingly, as battery pack 400 charges, the voltage increases across both battery pack 400 and computer 200. To continue powering computer 200 when battery pack 400 is removed, charger 400 must detect the absence of battery pack 400 and operate in **a mode of constant voltage** measured at an output of charger unit 300.

WO does not specifically disclose that the charging current becomes equal to or lower than the charging current assigned in advance to the battery. However, WO discloses that **the charge rate sensor comprises a variable resistance value and a voltage detector** for measuring the voltage across the resistor while the battery is charging. The variable resistance value allows the battery to either rapid charge, trickle charge, or discharge (power the device). A charge monitor, connected to the battery and coupled to the power controller, monitors the battery during charging and signals the power controller the state of charge on the battery. Based on the monitoring by the charge monitor, the charge monitor and power controller place the battery into either a rapid charge, trickle charge, or power discharge state. The charge monitor uses either a temperature sensing system, a change of voltage sensing ($-\Delta V$) system, or a charge timing system, or any combination of the three.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

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Allowable Subject Matter

8. Claims 1-10 allowed. None of the references of record prior to applicant's filing date discloses, teaches or suggests the specific combination of the first, second, and third current detectors as claimed in independent claims 1, 3, and 9.

Response to Arguments

9. Applicant's arguments filed on March 19, 2001 have been fully considered but they are not persuasive in view of the above art rejection.

a) With regard to claims 26-34: **claim 26** recites that the charging current becomes equal to or lower than **the charging current assigned in advance to the battery**, **claim 27** recites that the charging voltage becomes within **a voltage value assigned in advance to the battery**, **claim 28** recites that **the charging power is the prescribed maximum permissible supply power minus the detected power applied to the load**, etc. Therefore it is not clear what the applicant is trying to claim: constant voltage or constant current charging, and what happens when the load is powered.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory

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action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure, as best as it can be understood at this time. The prior art cited in PTO-892 and not mentioned above disclose related apparatus, as best as it can be understood at this time.

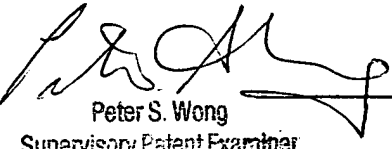
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Pia Tibbits whose telephone number is (703) 308-7305. If unavailable, contact the Supervisory Patent Examiner Peter Wong whose telephone number is (703) 305-3477.

13. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0956.

Papers related to Technology Center 2800 applications **only** may be submitted to Technology Center 2800 by facsimile transmission. Any transmission not to be considered an official response must be clearly marked "DRAFT". The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Technology Center Fax Center number is (703) 308-7722 or (703) 308-7724.

PFT

April 23, 2001


Peter S. Wong
Supervisory Patent Examiner
Technology Center 2800